

RECEIVED

Jennifer Toth, State Engineer
Robert Samour, Senior Deputy State Engineer, Operations
Dallas Hammit, Senior Deputy State Engineer, Development

March 25, 2013

2013 MAR 26 P 2:36

Arizona Corporation Commission
Office of Railroad Safety
Attn: Chris Watson
1200 W Washington Street
Phoenix, AZ 85007

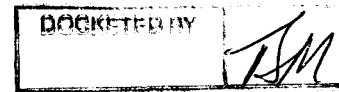
ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

RE: Application to upgrade existing railroad signals
Project: 35th Avenue and Indian School Road and US 60
Federal Project # STP-000-6(185)A
ADOT Tracs # 0000 MA PHX SR204 01C
35th Avenue Crossing AAR/DOT # 025-425-K
Indian School Road Crossing AAR/DOT # 025-424-D
ACC Docket No. RR-O2635B-13-0034

Arizona Corporation Commission

DOCKETED

MAR 26 2013



Docket Control,

Please find enclosed the original and 13 copies of the certification of the public notice that was ordered by the Arizona Corporation Commission for the hearing for the above referenced project that was printed in the Arizona Business Gazette on March 14, 2013. Also enclosed are the notifications and certifications of receipt of these notifications to the affected parties of the BNSF Railroad, City of Phoenix, and the Attorney Generals Office.

Feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script.

Armando Lopez, P.E.
Railroad Coordinator
Arizona Department of Transportation
205 S. 17th Ave, Room 357 MD 618E
Phoenix, AZ 85007
Phone: 602-712-8747 ALOpez4@azdot.gov

**CLASS 5
STATE
AGENCIES**

**PUBLIC NOTICE OF THE
HEARING IN THE MATTER
OF THE APPLICATION OF
THE ARIZONA DEPART-
MENT OF TRANSPORTA-
TION TO UPGRADE AN EX-
ISTING CROSSING OF THE
BURLINGTON NORTHERN
AND SANTA FE RAILWAY
AT THE INDIAN SCHOOL
ROAD CONNECTOR AND
35TH AVENUE IN THE CITY
OF PHOENIX, MARICOPA
COUNTY, ARIZONA, AT**

**AAR/DOT
NOS. 025-424-D
AND 025-425-K
DOCKET NO.
RR-026358-13-0034**
On February 20, 2013,
the Arizona Department
of Transportation
("ADOT") filed with the
Arizona Corporation Com-
mission ("Commission")
an application for approval
for the Burlington
Northern and Santa Fe
Railway Company ("BNSF")
to upgrade two
existing crossings at the
BNSF's tracks at the Indi-
an School Road Connector
and 35th Avenue, in Phoe-
nix, Arizona at AAR/DOT
Nos. 025-424-D and 025-
425-K.

The application is avail-
able for inspection during
regular business hours at
the offices of the Com-
mission in Phoenix, at
1200 West Washington
Street, Phoenix, Arizona,
and on the internet via
the Commission website (www.azcc.gov) using the
e-docket function.

The Commission will
hold a hearing on this
matter commencing on
May 9, 2013, at 10:00 a.m.,
at the Commission's offi-
ces, 1200 West Washing-
ton Street, Phoenix, Arizo-

na. Public comments will
be taken on the first day
of the hearing.

The law provides for an
open public hearing at
which, under appropriate
circumstances, interested
parties may intervene. In-
tervention shall be per-
mitted to any person enti-
tled by law to intervene
and having a direct and
substantial interest in the
matter. Persons desiring
to intervene must file a
written motion to inter-
vene with the Commis-
sion, which motion should
be sent to the BNSF or its
counsel and to all parties
of record, and which at
the minimum, shall con-
tain the following:

1. The name, address,
and telephone number of
the proposed intervenor
and of any party upon
whom service of docu-
ments is to be made if dif-
ferent than the interven-
er.
2. A short statement of
the proposed intervenor's
interest in the proceeding
(e.g., a customer of BNSF,
a neighboring property
owner, a crossing user,
etc.).
3. A statement certify-
ing that a copy of the mo-
tion to intervene has been
mailed to the Applicant or
its counsel and to all parties
of record in the case.

The granting of motions
to intervene shall be gov-
erned by A.A.C. R14-3-105,
except that all motions to
intervene must be filed on
or before April 15, 2013. If
representation by counsel
is required by Rule 31 of
the Rules of the Arizona
Supreme Court, interven-
tion will be conditioned
upon the Intervener ob-
taining counsel to repre-
sent the Intervener. For
information about re-
questing intervention, vis-
it the Arizona Corporation
Commission's webpage at
<http://www.azcc.gov/divisions/utilities/forms/intervenor.pdf>. The granting of
intervention, among other
things, entitles a party to
present sworn evidence
at hearing and to cross-
examine other witnesses.
However, failure to inter-
vene will not preclude any
customer from appearing
at the hearing and making
a statement on such cus-
tomer's own behalf.

If you have any ques-
tions about this applica-
tion, you may contact the
applicant at 602-712-8747.
If you wish to file written
comments on the applica-
tion or want further infor-
mation on intervention,
you may write the Con-
sumer Services Section of
the Commission at 1200
West Washington Street,
Phoenix, Arizona 85007 or
call 602-542-4251 or 1-800-
222-7000, or appear at the
hearing and make com-
ment.

The Commission does
not discriminate on the
basis of disability in ad-
mission to its public
meetings. Persons with a
disability may request a
reasonable accommoda-
tion such as a sign lan-

**AFFIDAVIT OF PUBLICATION
PUBLIC NOTICE HEARING**

05

Arizona Business Gazette

The business resource

PO BOX 194
Phoenix, Arizona 85001-0194
(602) 444-7315 FAX (602) 444-7364

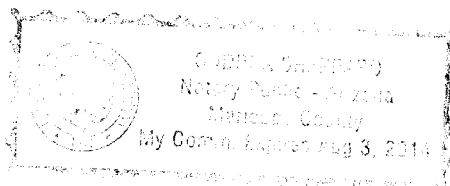
STATE OF ARIZONA
COUNTY OF MARICOPA

} SS.

Manny Vargas, being first duly sworn, upon oath
deposes and says: That he is the Legal Ad Rep of the
Arizona Business Gazette, a newspaper of general
circulation in the county of Maricopa, State of Arizona,
published weekly at Phoenix, Arizona, and that the
copy hereto attached is a true copy of the advertisement
published in the said paper on the dates indicated.

3/14/2013

Sworn to before me this
14TH day of
MARCH 2013



Ondrea Petty
Notary Public



Intermodal Transportation

Janice K. Brewer, Governor

John S. Halikowski, Director

Jennifer Toth, State Engineer

Robert Samour, Senior Deputy State Engineer, Operations

Dallas Hammit, Senior Deputy State Engineer, Development

206 S. 17th Ave.
Phoenix, AZ 85007

March 12, 2013

Attorney Generals Office
Jim Redpath
1275 West Washington Street
Phoenix, AZ 85007-2926

Certified Mail #: 7003 2260 0006 7208 3196

RE: Arizona Corporation Commission Procedural Order
Project: 35th Avenue and Indian School Road and US 60
Federal Project # STP-000-6(185)A
ADOT Tracs # 0000 MA PHX SR204 01C
35th Avenue Crossing AAR/DOT # 025-425-K
Indian School Road Crossing AAR/DOT # 025-424-D
Agreement No. 1531-91-ATSF
ADOT Accounting No. R1531CI06
ACC Docket No. RR-02635B-13-0034

Dear Mr. Redpath:

We are enclosing for your information a copy of our request for an Opinion and Order and a copy of the Arizona Corporation Commission's Procedural Order with the hearing occurring on **May 9, 2013 at 10:00am**. This is a standard Section 130 project with BNSF installing lights and gates, advanced pre-emption, and additional concrete crossing surface panels and the City of Phoenix constructing civil improvements to the crossing and intersection.

Sincerely,

Armando Lopez, P.E.
Railroad Coordinator
Arizona Department of Transportation
205 S. 17th Ave, Room 357 MD
Phoenix, AZ 85007
Phone: 602-712-8747 ALOpez4

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PS Form 3800, June 2002	
See Reverse for Instructions	

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very? (Extra Fee)	<input type="checkbox"/> Yes
SR204 ACC Proc order	
AG	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154



Intermodal Transportation

Janice K. Brewer, Governor

John S. Halikowski, Director

Jennifer Toth, State Engineer

Robert Samour, Senior Deputy State Engineer, Operations

Dallas Hammit, Senior Deputy State Engineer, Development

206 S. 17th Ave.
Phoenix, AZ 85007

March 12, 2013

Mr. Melvin Thomas
Manager of Public Projects
Burlington Northern Santa Fe Railway
740 East Carnegie Drive
San Bernardino, CA 92408

Certified Mail #: 7003 2260 0006 7208 3189

RE: Arizona Corporation Commission Procedural Order
Project: 35th Avenue and Indian School Road and US 60
Federal Project # STP-000-6(185)A
ADOT Tracs # 0000 MA PHX SR204 01C
35th Avenue Crossing AAR/DOT # 025-425-K
Indian School Road Crossing AAR/DOT # 025-424-D
Agreement No. 1531-91-ATSF
ADOT Accounting No. R1531CI06
ACC Docket No. RR-02635B-13-0034

Dear Mr. Thomas:

We are enclosing for your information a copy of our request for an Opinion and Order and a copy of the Arizona Corporation Commission's Procedural Order with the hearing occurring on **May 9, 2013 at 10:00am**. This is a standard Section 130 project with BNSF installing lights and gates, advanced pre-emption, and additional concrete crossing surface panels and the City of Phoenix constructing civil improvements to the crossing and intersection.

Sincerely,

Armando Lopez, P.E.
Railroad Coordinator
Arizona Department of Transportation
205 S. 17th Ave, Room 357 MD
Phoenix, AZ 85007
Phone: 602-712-8747 ALOpez

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PS Form 3800, June 2002 See Reverse for Instructions	

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SR204 ACC Proc. Order	
BNSF	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1541

206 S. 17th Ave. | Phoenix, AZ 85007 | azdot.gov



Intermodal Transportation

Janice K. Brewer, Governor
John S. Halikowski, Director
Jennifer Toth, State Engineer
Robert Samour, Senior Deputy State Engineer, Operations
Dallas Hammit, Senior Deputy State Engineer, Development

206 S. 17th Ave.
Phoenix, AZ 85007

March 12, 2013

Belinda Cummings
City of Phoenix
Street Transportation Department
1034 East Madison Street
Phoenix, AZ 85034-2292

Certified Mail #: 7003 2260 0006 7208 3165

RE: Arizona Corporation Commission Procedural Order
Project: 35th Avenue and Indian School Road and US 60
Federal Project # STP-000-6(185)A
ADOT Tracs # 0000 MA PHX SR204 01C
35th Avenue Crossing AAR/DOT # 025-425-K
Indian School Road Crossing AAR/DOT # 025-424-D
Agreement No. 1531-91-ATSF
ADOT Accounting No. R1531C106
ACC Docket No. RR-02635B-13-0034

Dear Ms. Cummings:

We are enclosing for your information a copy of our request for an Opinion and Order and a copy of the Arizona Corporation Commission's Procedural Order with the hearing occurring on **May 9, 2013 at 10:00am**. This is a **standard** Section 130 project with BNSF installing lights and gates, advanced pre-emption, and **additional** concrete crossing surface panels and the City of Phoenix constructing civil improvements to the **crossing** and intersection.

Sincerely,

Armando Lopez, P.E.
Railroad Coordinator
Arizona Department of Transportation
205 S. 17th Ave, Room 357 MD 6
Phoenix, AZ 85007
Phone: 602-712-8747 ALopez4

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Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees \$			
Sent To <i>Belinda Cummings</i>		<input type="checkbox"/> Express Mail	
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City, State, ZIP+4		<input type="checkbox"/> C.O.D.	
PS Form 3811, June 2002		Extra Fee? <input type="checkbox"/> Yes	
See Reverse for Instructions		4 <i>ACC Proc Order</i>	
		<i>Agmt. #1531-91-41</i>	